



STATE CAPITOL  
ROOM 208  
(573) 751-2379

**ROBIN CARNAHAN**  
SECRETARY OF STATE  
STATE OF MISSOURI

JAMES C. KIRKPATRICK  
STATE INFORMATION CENTER  
(573) 751-4936

October 27, 2006

The Honorable Catherine Hanaway  
United States Attorney  
Thomas Eagleton U.S. Courthouse  
111 S. 10th Street, 20th Floor  
St. Louis, MO 63102

Dear Ms. Hanaway:

On October 26, 2006, the Secretary of State's office received an e-mail regarding the voting equipment used by St. Louis County for in-person absentee voting. The e-mail specifically stated:

A friend of our family's went last Friday to early vote in Maplewood at Sunnen Park. He voted for Claire McCaskill, but each time he, the election worker, and the election supervisor pressed the screen for Claire, the screen said he had voted for Jim Talent.

I have the name and number of the guy this happened to if you are interested. You would need to talk with him before Monday.

Our office contacted the Mr. Mayer Levy, Jr., the voter referenced in the e-mail. Attached is the letter to the St. Louis County Elections Board.

This issue is being referred to your office for any appropriate action as you deem necessary. If you have any questions, please contact me at 573/751-2418.

Sincerely,

Barbara Wood  
General Counsel

c: Mayer Levy, Jr.  
John Bodenhause, United States Attorney's Office  
Judge Joseph A. Goeke III, St. Louis County Board of Elections  
Judy Taylor, St. Louis County Board of Elections  
Steve Garrett, Attorney, St. Louis County Board of Elections  
Jeremiah W. "Jay" Nixon, Attorney General  
Robert P. McCulloch, St. Louis County Prosecuting Attorney's Office



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ELECTIONS DIVISION  
(573) 751-2301

October 30, 2006

Scott Leiendecker, Director  
Mary Wheeler-Jones, Director  
300 N. Tucker Blvd.  
St. Louis, MO 63101

Dear Scott and Mary,

The Secretary of State's office received a copy of the letter your office sent to voter registration mail-in applicants whose voter registration applications were submitted to your office by a representative of ACORN sometime between July 31, 2006, and October 11, 2006.

Your letter requires that each applicant contact the Election Board so that their voter registration information is confirmed prior to completing the registration process. In addition, the letter is not clear as to whether the applicant must also sign and return the letter with his or her telephone number in order to complete the registration process.


These steps as outlined in your letter are additional registration requirements in violation of Missouri law. See Missouri Constitution Article VIII, Section 2 and Sections 115.133, RSMo.


Furthermore, Section 115.155.4, RSMo, specifically provides that if your office determines that an applicant is not entitled to register your office must, within seven business days after receiving the application, notify the applicant by mail and state the reason the applicant is not qualified to register to vote.

These additional requirements may also be in violation of federal election laws. See National Voter Registration Act, 42 U.S.C. §1973gg-6(a)1 and 6(a)2 and the Voting Rights Act, 42 U.S.C. §1971(a)(2)(B).

As a result, your office should process these voter registration applications pursuant to state and federal law. For your reference, we have enclosed another copy of the memo we sent to you regarding driver's license and last four digits of the Social Security numbers on voter registration forms.

Respectfully yours,

  
Betsy Byers  
Co-Director of Elections

  
Kay Dinolfo  
Co-Director of Elections

# BOARD OF ELECTION COMMISSIONERS

For The City Of St. Louis  
(314) 622-4336 Fax (314) 622-3587

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Scott Leisendorfer, Director



Matt Blum  
Covington

Robert M. Lory, Secretary  
Charles E. D. Jr., Member

Mary Wheeler-Jones, Director

October 24, 2006

TO: VOTER REGISTRATION MAIL-IN APPLICANTS

RE: VOTER REGISTRATION MAIL-IN APPLICATION

Dear Voter Registration Applicant:

This letter will acknowledge receipt of a Voter Registration Application that was submitted to our office on your behalf by a representative of ACORN sometime between July 31, 2006, and October 11, 2006.

Due to concerns about a number of the Applications submitted by ACORN, as reported recently in the St. Louis Post-Dispatch, we are asking that you contact the Election Board so that we can confirm your voter registration information and complete the registration process. Please call the Registration Department at 622-4336 promptly upon receipt of this letter, but no later than November 1, 2006, to insure that your Application is complete and you are eligible to vote on November 7. Our office is open Monday through Friday from 8:00 A.M. to 5:00 P.M. The call will only take a few minutes. Please, too, sign the bottom of this letter and return it to us in the enclosed, postage paid envelope, together with your telephone number, so that we can follow up with you if we have additional questions.

Part of the mission of the Election Board is to "insure that every eligible resident of the City of St. Louis is encouraged and provided ample opportunity to register to vote." Your timely response to this letter will help us to carry out that mission.

Very truly yours,

  
Scott Leisendorfer  
Republican Director

Enc.

  
Mary Wheeler-Jones  
Democrat Director

Applicant Signature

Applicant Telephone Number

300 NORTH TUCKER BOULEVARD

ST. LOUIS, MISSOURI 63101-1914



**ROBIN CARNAHAN**  
SECRETARY OF STATE  
STATE OF MISSOURI

STATE CAPITOL  
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JAMES C. KIRKPATRICK  
STATE INFORMATION CENTER  
(573) 751-4936

October 31, 2006

The Honorable Catherine Hanaway  
United States Attorney  
Thomas Eagleton U.S. Courthouse  
111 S. 10th Street, 20th Floor  
St. Louis, MO 63102

Dear Ms. Hanaway:

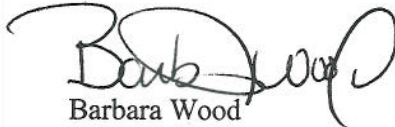
On October 27, 2006, the Secretary of State's office received an e-mail regarding the voting equipment used by St. Louis County for in-person absentee voting. The e-mail specifically stated:

Greg Speno contacted the campaign office to report that when he went to vote absentee in St. Louis County and voted for Claire McCaskill on the touchscreen, it highlighted and recorded a vote for Jim Talent. He spoiled his ballot and was eventually able to cast the vote he wanted. I have not interviewed Greg myself. His phone number is 314-234-8493.

Our office contacted Mr. Greg Speno, the voter referenced in the e-mail. Attached is the letter to the St. Louis County Elections Board.

This issue is being referred to your office for any appropriate action as you deem necessary. If you have any questions, please contact me at 573/751-2418.

Sincerely,



Barbara Wood  
General Counsel

Attachment

c: Greg Speno  
John Bodenhausen, United States Attorney's Office  
Judge Joseph A. Goeke III, St. Louis County Board of Elections  
Judy Taylor, St. Louis County Board of Elections  
Steve Garrett, Attorney, St. Louis County Board of Elections  
Jeremiah W. "Jay" Nixon, Attorney General  
Robert P. McCulloch, St. Louis County Prosecuting Attorney's Office





**ROBIN CARNAHAN**  
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STATE OF MISSOURI

JAMES C. KIRKPATRICK  
STATE INFORMATION CENTER  
(573) 751-4936

ELECTIONS DIVISION  
(573) 751-2301

October 31, 2006

Judge Joseph A. Goeke, III, Director  
Judy Taylor, Director  
St. Louis County Board of Elections  
12 Sunnen Dr., Suite 126  
Maplewood, MO 63143

Dear Judge and Judy,

On October 27, 2006, the Secretary of State's office received an e-mail regarding the voting equipment used by St. Louis County for in-person absentee voting. The e-mail specifically stated:

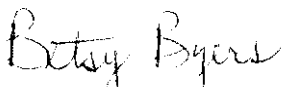
Greg Speno contacted the campaign office to report that when he went to vote absentee in St. Louis County and voted for Claire McCaskill on the touchscreen, it highlighted and recorded a vote for Jim Talent. He spoiled his ballot and was eventually able to cast the vote he wanted. I have not interviewed Greg myself. His phone number is 314-234-8493.

Our office contacted Mr. Greg Speno, the voter referenced in the e-mail. Mr. Speno stated that he touched the screen in an attempt to vote for Claire McCaskill. The screen indicated that he had voted for Jim Talent. Mr. Speno was able to correct his ballot and ultimately confirm and cast his vote for Claire McCaskill.

Our office informed the voter that we would refer this information to your office for proper resolution. Please provide a written report to our office as to how this matter was resolved.

Our office is also referring this issue to the United States Attorney's office with a copy to the Missouri Attorney General's office and the St. Louis County Prosecuting Attorney's office.

Respectfully yours,

  
Betsy Byers  
Co-Director of Elections

  
Kay Dinolfo  
Co-Director of Elections



JAMES C. KIRKPATRICK  
STATE INFORMATION CENTER  
(573) 751-4936

ROBIN CARNAHAN  
SECRETARY OF STATE  
STATE OF MISSOURI

ELECTIONS DIVISION  
(573) 751-2301

November 1, 2006

Judge Joseph A. Goeke, III, Director  
Judy Taylor, Director  
St. Louis County Board of Elections  
12 Sunnen Dr., Suite 126  
Maplewood, MO 63143

Dear Judge and Judy,

On October 30, 2006, the Secretary of State's office received an e-mail regarding St. Louis County's process and voting equipment used for in-person absentee voting.

The e-mail specifically refers to the County requiring that the registered voter provide the last four digits of her social security number as part of the absentee ballot application process. See attached a copy of the e-mail received by our office. The requirements for absentee ballot application and envelopes are set forth in sections 115.279 and 115.283, RSMo. These provisions do not require that a registered voter provide the last four digits of his or her social security number in order to apply for or cast an absentee ballot.

The e-mail further provides that when the voter reviewed her ballot on the touch screen voting machine, she observed that her vote in the 24<sup>th</sup> Senate district was not for the candidate she had selected. The voter was able to return to that portion of her electronic ballot, correct it, and ultimately cast her ballot for the candidate she had originally chosen.

Our office is referring this information to your office for proper resolution. Please provide a written report to our office as to how this matter was resolved.

Our office is also referring this issue to the United States Attorney's office with a copy to the Missouri Attorney General's office and the St. Louis County Prosecuting Attorney's office.

Respectfully yours,

*Betsy Byers*

Betsy Byers  
Co-Director of Elections

*Kay Dinolfo*

Kay Dinolfo  
Co-Director of Elections

cc: Steve Garrett  
Vivian Eveloff

----- Original Message -----

Subject: voting in 2006 general election

Date: Mon, 30 Oct 2006 18:20:32 -0800 (PST)

From: Vivian Eveloff

To: robin carnahan

On October 26, I went to the St. Louis County Election Board to vote absentee for the November 7, 2006 election. In filling out the paper request form, I supplied the usual name, address and birth date information and showed my MO driver's license to confirm my identity. The desk clerk then asked for the last 4 digits of my Social Security number.

I challenged this request, reminding her that this number is not to be used for identification purposes, only for the work of the Social Security Administration. She insisted that it was required to vote. I asked to speak to a supervisor and was told that they were in a meeting. Wanting to vote, I complied, but requested that a Supervisor meet with me afterward.

Only the touch screen machines were available, although optiscan ballots are mailed out to voters who make a mail request. When I reviewed my ballot before it was final, I was surprised to see that my vote in the 24th Senate district was not as I had cast it. I was able to go back to that portion of the ballot, correct it, and then cast my ballot.

After I finished, Election Director Goeke appeared to explain the social security number request. He stated that it was required by law, then said that it was an effort to prevent fraud, even though he agreed that he had no means of confirming the veracity of the numbers provided. We had a long conversation, but never came to a solid explanation for this request as part of absentee balloting. He did agree that it was not information required when voting on election day.

I have served as an election day staffer and a "watcher" and realize that the previous low-tech voting had many glitches, especially the unexplained absence of long time voters from their voting rolls. The new system seems certain to result in balloting errors that were not a frequent problem with the former system. The elimination of the "straight party" ballot compounds the likelihood of voting errors.

Vivian Eveloff  
8318 Kingsbury Blvd.  
St. Louis, MO 63105





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November 1, 2006

The Honorable Catherine Hanaway  
United States Attorney  
Thomas Eagleton U.S. Courthouse  
111 S. 10th Street, 20th Floor  
St. Louis, MO 63102

Dear Ms. Hanaway:

On October 30, 2006, the Secretary of State's office received an e-mail regarding the voting equipment used by St. Louis County for in-person absentee voting.

The e-mail specifically stated that when the voter reviewed her ballot on the touch screen voting machine, she observed that her vote in the 24<sup>th</sup> Senate District was not for the candidate she had selected. The voter was able to return to that portion of her electronic ballot, correct it, and ultimately, cast her ballot for the candidate she had originally chosen. Attached is a copy of the letter to the St. Louis County Board of Elections.

This issue is being referred to your office for any appropriate action you deem necessary. If you have questions, please contact me at 573/751-2418.

Sincerely,

Barbara Wood  
General Counsel

Attachment

c: Vivian Eveloff

John Bodenhause, United States Attorney's Office  
Judge Joseph A. Goeke III, St. Louis County Board of Elections  
Judy Taylor, St. Louis County Board of Elections  
Steve Garrett, Attorney, St. Louis County Board of Elections  
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SECRETARY OF STATE  
STATE OF MISSOURI

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STATE INFORMATION CENTER  
(573) 751-4936

November 1, 2006

Aldo J. Tesi  
President and CEO  
ES&S  
11208 John Galt Blvd.  
Omaha, NE 68137

Dear Mr. Tesi:

The Office of Secretary of State recently received reports of issues with in-person absentee voting on touch screen equipment in St. Louis County. Attached please find correspondence from our office to the St. Louis County Board of Elections regarding these issues.

If these matters are a result of miscalibrated equipment or vendor error, ES&S must remedy the situation immediately. This is imperative in ensuring fair and accurate results for the November 7 election.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark R. Reading".

Mark R. Reading  
Executive Deputy Secretary of State

Enclosures

c: Judge Joseph A. Goeke III, St. Louis County Board of Elections  
Judy Taylor, St. Louis County Board of Elections  
Eric Anderson, Vice President and General Counsel, ES&S

CURTIS, HEINZ, GARRETT & O'KEEFE, P. C.

ATTORNEYS AT LAW

130 SOUTH BEMISTON, SUITE 200

ST. LOUIS, MISSOURI 63105

(314) 725-8788

FAX (314) 725-8789

STEVEN W. GARRETT  
PRINCIPAL

SGARRETT@LAWFIRMEMAIL.COM

November 2, 2006

Barbara Wood  
General Counsel  
Office of the Secretary of State  
State Capitol, Room 208  
Jefferson City, MO 65101

Re: Voter Complaint

Dear Barbara:

This letter is in response to the referrals made by you to our office regarding the following voters:

Mayer Levy, Jr.  
Frank G. Speno  
Vivian Eveloff

Mayer Levy, Jr.

The Board of Election Commissioners first became aware of this matter when it received Betsy Byers' and Kay Dinolfo's letter dated October 27, 2006 (the letter was received by fax after 5:00 p.m. on October 27, 2006). The letter indicated that you received an email from a friend of Mr. Levy indicating that he had difficulty voting absentee at the Board of Election Commissioners' office.<sup>1</sup>

Our office attempted to contact Mr. Levy on Monday, October 31, 2006, but could not reach him. Contact was made, however, on November 1, 2006. Mr. Levy made it very clear that he does not suspect any type of voting fraud whatsoever. He further stated that his wife told a friend of his voting experience in a casual conversation and the friend related the story to her son who is actively involved in politics and that he (Mr. Levy) believed that the matter has been blown out of proportion.

Mr. Levy indicated he was voting on the touch screen on October 16, 2006, and pressed the screen to vote for Claire McCaskill when he believed it registered a vote for Jim Talent. A supervisor from absentee department was called to assist Mr. Levy. The supervisor indicated

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<sup>1</sup> Note that a different version of this email appeared on a blog bearing the date of October 25, 2006, at 10:38 p.m.

that after applying greater pressure to the box next to McCaskill, a successful vote for McCaskill was achieved. Both the supervisor and Mr. Levy indicated that Mr. Levy continued with his voting without issue.

It should be noted that the Election Board aligned the machine used by Mr. Levy as soon as it received the correspondence from the Secretary of State's office referred to above. Between the time Mr. Levy voted and the realignment, three hundred forty-six (346) voters used the same machine without any problems having been reported.

Frank G. Speno

On October 31, 2006, the Election Board was advised by your office that you received an email on October 27, 2006, indicating that Mr. Speno contacted a campaign office after he experienced a problem when he voted absentee in St. Louis County. The email further indicated Mr. Speno spoiled his ballot but was eventually able to cast the vote he wanted.

On November 1, 2006, at approximately 10:30 a.m., I spoke to Greg Speno, whose legal name is "Frank G. Speno," regarding his absentee voting experience at the Election Board offices on October 24, 2006. Mr. Speno told me he is an electrical engineer and on October 24, 2006, attempted to vote for Claire McCaskill by pressing the box next to her name after which a checkmark appeared in the box next to the name of Jim Talent. He stated that he couldn't believe he would miss and touch the wrong space. He next looked to see if there was a reset button. He stated that he did not look at the paper tape record of his vote (although he was aware of same) because he did not bring his glasses with him. He further indicated that he needed glasses to read. He did state, however, that he did not believe he needed his glasses to vote.

Mr. Speno indicated that after his initial attempt to vote for McCaskill, he pressed the box next to McCaskill's name in an area lower than he had previously pressed and a vote for McCaskill was registered. He then completed voting without further incident. He specifically stated that there were no other problems with any of the other votes he cast.

Mr. Speno stated that he did not advise anyone at the Election Board of this problem because he received a cell phone call immediately upon the completion of casting his vote, was asked to leave the voting area because he was on the cell phone. He indicated that he did not go back into the Election Board office to tell them of the incident because he felt it would be much more effective if he provided that information to the McCaskill campaign.

Mr. Speno reminded me that he is an electrical engineer and he would hope that someone would test the machine to make sure the boxed areas were aligned properly and that if we found the boxes to be aligned properly, that "maybe I did not push where I thought."

Mr. Speno never spoiled his ballot, he simply pressed the box next to McCaskill's name, after which a vote for McCaskill was registered. Again, it should be noted that the Election Board realigned the machine used by Mr. Speno as soon as we were advised by your office of his

email. Two hundred fifty-six (256) voters used that machine between the time he voted and the realignment without any problems having been reported.

Vivian Eveloff

On November 1, 2006, we received a letter from your office which attached an email from Ms. Eveloff. She stated that when she voted absentee on October 26, 2006, she was asked to provide the last four numbers of her social security number and that upon reviewing her ballot before making it final, she saw that her vote in the 24<sup>th</sup> Senate District was not "as I had cast it." Her email further indicated that she was able to go back to that portion of the ballot and correct it. The email further indicated that Ms. Eveloff spoke with Judge Goeke after she voted and discussed her concern over being asked for the last four digits of her social security number.

Judge Goeke indicated he did have a conversation with Ms. Eveloff and explained to her that the last four digits of the social security number are required on a registration application and that when absentee voters appeared in our office, we requested that information to allow us to more quickly match the absentee voter with their registration and to update our records if the social security number was missing. Judge Goeke further indicated to me that although he spoke to Ms. Eveloff for a significant period of time, she never said anything to him about having had a problem with her vote in the senate election in her district.

As you know, we are using touch screens for absentee voting in our office. To date, approximately seven thousand six hundred ten (7,610) voters have cast their ballot on these touch screen machines. No one has complained that they were not able to vote for the candidate of their choice. We do not believe there is a problem with any of our touch screen machines. The machines are set up to register a vote for a candidate when pressure is applied to the box next to that candidate's name. The machines utilized by the voters referenced above have been examined and are all in good working order. Our investigation indicates that the issues experienced by these voters were the result of inadequate pressure applied to the box next to the candidate's name. If anything, the experiences of the above-referenced voters illustrate the machines perform as your office has certified them. Voters get to correct any mistakes before finally casting their ballot.

Let me know if you have any questions.

Very truly yours,



Steven W. Garrett  
Board Counsel  
St. Louis County Board of Election Commissioners

SWG/cs



**BOARD OF ELECTION COMMISSIONERS**

For The City Of St. Louis  
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Kimberley J. Mathis, Chair  
Jack Lary, Member

Scott Leisendecker, Director



Eileen M. McCann, Secretary  
Clarence E. Dula, Member

Mary Wheeler-Jones, Director

Matt Blunt  
Governor

November 3, 2006

**VIA FAX AND FIRST-CLASS MAIL**

Betsy Byers and Kay Dinolfo  
Co-Directors of Elections  
Office of the Missouri Secretary of State  
Post Office Box 1767  
Jefferson City, MO 65102

Re: Your October 30, 2006 Letter to the  
St. Louis City Board of Election Commissioners

Dear Betsy and Kay:

We have received your letter dated October 30, 2006. While we appreciate input from the Secretary of State's Office on election matters, we were surprised when the first contact from your office was your October 30, 2006 letter. Your letter is based on mistaken and incomplete information.

As you know, the October 24, 2006 letter referenced in your letter was prompted by a highly unusual event. ACORN sent to the Board of Election Commissioners approximately 5,000 mail-in applications, the bulk of which were delivered on or just a few days prior to October 11, 2006, the deadline for submission of those applications.

Irregularities were soon discovered, including but not limited to incomplete applications, applications for deceased and ineligible persons (such as minors), and signatures that appeared to be in the same handwriting on many cards. Because of recent legal developments that are beyond our control, the originals are no longer in our possession.

Given the last-minute delivery of a large number of the above-mentioned applications, we took steps to try to minimize delays that persons who intended to register to vote might experience on Election Day. The Board, as you know, has duties both to register eligible applicants and not register unqualified and/or ineligible applicants. As you also know, the Civil Rights Division of the United States Department of Justice has brought a lawsuit which is pending against the State of Missouri regarding procedures for removal of ineligible voters from voter registration rolls. *United States v. State of Missouri and Robin Carnahan, Secretary of State, in her official capacity*, No. 2:05-CV-04391-NKL.

Betsy Byers and Kay Dinolfo  
November 3, 2006  
Page Two

The October 24, 2006 letter did not, as you contend, **require** anyone to contact the Election Board. It merely stated that "**we are asking** that you contact the Election Board." The letter did NOT say that contacting the Election Board was necessary to vote. There were NO additional requirements imposed. This point was reiterated in a letter sent on November 1, 2006.

We have received several hundred responses to the October 24, 2006 letter. Some respondents were able to provide missing information over the phone. That will save them time on Election Day, as well as time for the persons behind them in line. Making the voting process move as quickly as possible on Election Day can only encourage voting, which is a good thing.

In many of the responses, persons who received the letter indicated that they were already registered and the applications purportedly submitted on their behalf were not legitimate. If we had made the indicated changes on our voter registration database and simply assumed that all the cards were legitimate, properly registered voters may have had their registration information changed, possibly resulting in those voters showing up at the wrong polling place on November 7, 2006. That would have caused more delays for them and others at the polls. Again, dealing with illegitimate applications ahead of time expedites voting on Election Day, which is a good thing for everyone who votes.

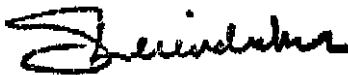
Your letter refers to Section 115.155.4, RSMo, which describes what the Board should do after it "determines that the applicant is not entitled to register." Because ACORN delivered such a large number of applications so close to the close of registration, a thorough review could not be conducted immediately. Based upon our training and experience, we felt it would maximize voting opportunities if we did not make a quick decision that a person was not entitled to be registered. Instead, we sent the letter simply asking for (not requiring) more information.

The Board has gone to great lengths to sort out lawful registration applications from incomplete or questionable ones, an effort that has been rendered more difficult by conflicting directions issued by your office. Like you, the Board is dedicated to helping and encouraging eligible residents to register and vote. However, the Board hopes you also share its commitment to dealing sharply and aggressively to prevent incomplete and questionable bulk applications from flooding its registration roles. Fraudulent registrations carry the imminent threat of generating fraudulent votes that dilute the vote of every honest registrant.

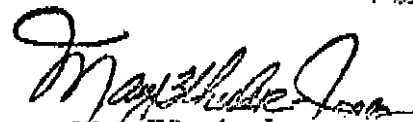
Betsy Byers and Kay Dinolfo  
November 3, 2006  
Page Three

We have now sent two letters to the names on the recent mail-in applications so that persons who intended to register and are entitled to do so can have as smooth a process as possible on Election Day. We continue to be committed to processing the applications and registering or not registering in accordance with state and federal law.

Very truly yours.



Scott Leiendecker  
Republican Director



Mary Wheeler-Jones  
Democratic Director



**ROBIN CARNAHAN**  
SECRETARY OF STATE  
STATE OF MISSOURI

JAMES C. KIRKPATRICK  
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ELECTIONS DIVISION  
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November 3, 2006

Judge Joseph A. Goeke, III, Director  
Judy Taylor, Director  
St. Louis County Board of Elections  
12 Sunnen Dr., Suite 126  
Maplewood, MO 63143

Dear Judge and Judy,

The Secretary of State's office received a copy of a polling place notification card sent from you to registered voters in your county.

On the polling place notification card it states "**BRING SIGNATURE ID.**" There is no legal requirement that a voter must present a signature ID in order to cast a ballot. Therefore, a signature ID is not required by Missouri law in order to vote.

The acceptable forms of voter identification include one or any of the following per Section 115.427 RSMo Supp:

1. Before receiving a ballot, voters shall identify themselves by presenting a form of personal identification from the following list:
  - (1) Identification issued by the state of Missouri, an agency of the state, or a local election authority of the state;
  - (2) Identification issued by the United States government or agency thereof;
  - (3) Identification issued by an institution of higher education, including a university, college, vocational and technical school, located within the state of Missouri;
  - (4) A copy of a current utility bill, bank statement, government check, paycheck or other government document that contains the name and address of the voter;
  - (5) Driver's license or state identification card issued by another state; or
  - (6) Other identification approved by the secretary of state under rules promulgated pursuant to subsection 3 of this section other identification approved by federal law.

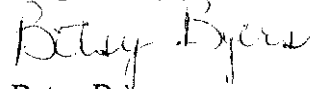


Personal knowledge of the voter by two supervising election judges, one from each major political party, shall be acceptable voter identification upon the completion of a secretary of state-approved affidavit that is signed by both supervisory election judges and the voter that attests to the personal knowledge of the voter by the two supervisory election judges. The secretary of state may provide by rule for a sample affidavit to be used for such purpose.

Please make sure that all of your election judges and staff are instructed that a signature ID is NOT required in order for an individual to cast a ballot.

If you have any questions, please do not hesitate to contact our office.

Respectfully yours,



Betsy Byers  
Co-Director of Elections



Kay Dinolfo  
Co-Director of Elections

cc: Steve Garrett

ST. LOUIS COUNTY  
BOARD OF ELECTION COMMISSIONERS  
12 SUNNEN DRIVE (314) 616-1800 TTY (314) 615-1884  
ST. LOUIS MISSOURI 63143

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GENERAL ELECTION

DATE: 11/07/2006

YOUR POLLING PLACE INFO. POLLS OPEN 8 A.M. - CLOSE 7 P.M.

MT CALVARY LUTHERAN CHURCH

BRING SIGNATURE ID

9321 LITZINGER RD

YOU ARE REGISTERED IN:

TOWNSHIP	CLA	PRECINCT	035	MUNICIPALITY	BRENTWOOD
WARD	01	JCD	03	SCHOOL DIST	BRENTWOOD
COUNTY CNCL DIST	05	CONG DIST	02	SPEO SCHL DIST	05
STATE SEN DIST	024	STATE REP DIST	087	FIRE DIST	MUNI FIRE DISTRICT

HOUSEHOLD REGISTERED VOTERS:

AARON A  
PEGGY M  
RICHARD M



BENSINGER  
5 STRATFORD LN  
ST LOUIS

MO 63144-1628



[vote.stlouisco.com](http://vote.stlouisco.com)



**ROBIN CARNAHAN**  
SECRETARY OF STATE  
STATE OF MISSOURI

JAMES C. KIRKPATRICK  
STATE INFORMATION CENTER  
(573) 751-4936

ELECTIONS DIVISION  
(573) 751-2301

November 6, 2006

Mr. Marvin Register  
County Clerk  
Cole County  
311 E. High St. Rm 201  
Jefferson City, MO 65101

Dear Marvin:

The Secretary of State's office received a copy of a memo from you instructing poll workers in your county.

Item number 7 in the memo states, **"If someone does not have their voter ID card with them, they can still vote if they can show you another form of ID that contains their signature."**

There is no legal requirement that a voter must present a signature ID in order to cast a ballot. Therefore, a signature ID is not required by Missouri law in order to vote.

The acceptable forms of voter identification include one or any of the following per Section 115.427 RSMo Supp:

- (1) Identification issued by the state of Missouri, an agency of the state, or a local election authority of the state;
- (2) Identification issued by the United States government or agency thereof;
- (3) Identification issued by an institution of higher education, including a university, college, vocational and technical school, located within the state of Missouri;
- (4) A copy of a current utility bill, bank statement, government check, paycheck or other government document that contains the name and address of the voter;
- (5) Driver's license or state identification card issued by another state; or
- (6) Other identification approved by the secretary of state under rules promulgated pursuant to subsection 3 of this section other identification approved by federal law.

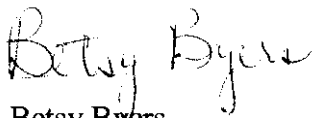
Personal knowledge of the voter by two supervising election judges, one from each major political party, shall be acceptable voter identification upon the completion of a secretary of state-approved affidavit that is signed by both supervisory election judges and the voter that attests to the personal knowledge of the voter by the two supervisory election judges. The secretary of state may provide by rule for a sample affidavit to be used for such purpose.

Please make sure that all of your election judges and staff are instructed that a signature ID is NOT required in order for an individual to cast a ballot.

For your reference, enclosed please find another copy of the poster on identification requirements we sent you as part of your polling place packets for use during the election.

If you have any questions, please do not hesitate to contact our office.

Respectfully yours,



Betsy Byers  
Co-Director of Elections



Kay Dinolfo  
Co-Director of Elections

Enclosure



FROM: MARVIN REGISTER, COUNTY CLERK

RE: NOVEMBER 7TH, 2006 ELECTION

IF YOU HAVE ANY PROBLEMS OR CONCERNS, PLEASE CALL US AND WE WILL ASSIST YOU. OUR PHONE NUMBERS ARE:

634-9101, 634-9103, 634-9104, 634-9105 AND 634-9185.

**ALL POLLWORKERS NEED TO BE AT THEIR POLLING PLACE NO LATER THAN 5:30 A.M. ON ELECTION DAY.**

EVERYONE SHOULD BE USING THEIR **YELLOW** VOTER CARD. IF THEY ARE STILL USING THEIR WHITE CARD, LET THEM VOTE. JUST MAKE SURE THEY ARE IN YOUR POLL BOOKS. IF THEY ARE NOT IN YOUR POLL BOOKS, YOU MUST CALL OUR OFFICE TO FIND OUT WHERE THEIR CORRECT POLLING PLACE IS. IF THEY ONLY HAVE A WHITE CARD, PLEASE MAKE A LIST WITH THEIR NAME AND ADDRESS ON IT AND RETURN IT TO OUR OFFICE. YOU CAN PUT THE LIST IN WITH YOUR ADDRESS CHANGES. WE WILL SEND THEM A NEW CARD.

THE SUPERVISORS WILL BE DOING THE **ADDRESS CHANGES** FOR THIS ELECTION. YOU WILL NEED TO CALL US FOR EACH ADDRESS CHANGE TO FIND OUT THE NEW WARD/PRECINCT.

- YOU WILL NEED TO FILL OUT THE TOP PORTION OF THE “ADDRESS CHANGE APPLICATION” AND CALL OUR OFFICE FOR THE NEW POLLING PLACE. PLEASE GIVE THE FORM TO THE VOTER TO TAKE TO THEIR NEW POLLING PLACE TO VOTE WITH. THEIR NAME WILL NEED TO BE ADDED TO THE BACK OF THE BOOK AT THE NEW POLLING PLACE WHERE THEY WILL BE ALLOWED TO VOTE.
- AFTER THE ELECTION IS OVER, THEY WILL BE SENT A NEW CARD. TELL THEM TO DESTROY ANY OLD VOTER ID CARDS WHEN THEY GET THEIR NEW YELLOW VOTER CARD.
- ALL FORMS USED TO CHANGE AN ADDRESS NEED TO BE PUT BACK IN THE ORIGINAL ENVELOPE AND RETURNED TO OUR OFFICE IN YOUR SUPPLY BOX. MAKE SURE THE NEW POLLING PLACE KEEPS THE ADDRESS CHANGE FORM. DO NOT GIVE IT BACK TO THE VOTER.

\* IF THE VOTER AUTOMATICALLY SHOWS UP AT THEIR NEW POLLING PLACE AND DOES NOT HAVE THE ADDRESS CHANGE FORM, MAKE SURE THEY ARE AT THEIR CORRECT POLLING PLACE. YOU CAN ALLOW THEM TO VOTE, BUT MAKE SURE YOU FILL OUT AN ADDRESS CHANGE FORM BEFORE WRITING THEM IN THE BACK OF THE BOOK.

\* IF THEY HAVE MOVED AND THEIR OLD AND NEW POLLING PLACE ARE THE SAME, THEY STILL NEED TO DO AN ADDRESS CHANGE BEFORE VOTING. YOU CAN LET THEM SIGN IN THEIR REGULAR PLACE IN THE POLL BOOK, BUT WRITE IN THEIR NEW ADDRESS. YOU WILL NOT HAVE TO WRITE THEM IN THE BACK OF THE BOOK. IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO CALL US.

IF SOMEONE COMES TO VOTE THAT CANNOT GET OUT OF THEIR VEHICLE, YOU CAN TAKE THE BALLOT ALONG WITH A CLIPBOARD TO THEIR CAR.

THE INSTRUCTIONS THAT WE HAVE BEEN STRESSING AT EACH TRAINING SESSION ARE VERY IMPORTANT AND WE HOPE THAT YOU WILL PAY CLOSE ATTENTION TO THE FOLLOWING ITEMS:

1. BE SURE TO HAVE EACH VOTER SIGN THE PRECINCT BOOK IN THE APPROPRIATE PLACE AND HAVE THEM INITIAL IT IF THEIR ADDRESS IS CORRECT. PLEASE BE SURE TO USE A PEN IN THE BOOKS. IF THE VOTER HAS A **P O BOX** LISTED ON THEIR VOTER CARD THEY CAN STILL VOTE. JUST MAKE SURE THEY VERIFY THE RESIDENTIAL(R) ADDRESS IN THE POLL BOOK IS CORRECT. WE CAN ONLY LIST ONE ADDRESS ON THE VOTER CARD, SO WE HAVE TO USE THE **P O BOX** FOR MAILING PURPOSES.
2. BE SURE THAT YOU HAVE ANOTHER ELECTION JUDGE WITNESS THE SIGNATURE AND IMMEDIATELY PLACE BOTH OF YOUR INITIALS IN THE APPROPRIATE PLACE IN THE BOOK.



3. GIVE EACH VOTER A NUMBER AND WRITE THE NUMBER IN THE SPACE PROVIDED.
4. ALL REGISTRANTS THAT SHOW **"ACTIVE – ID VERIFICATION"** BY THEIR NAME/ADDRESS, MUST SHOW AN ID BEFORE THEY ARE ALLOWED TO VOTE. THESE PEOPLE WILL NOT HAVE A VOTER CARD. AFTER VOTING THE FIRST TIME WE WILL SEND THEM A VOTER ID CARD.
5. ANYONE THAT HAS THE STATUS OF **"INACTIVE - NVRA"** NEXT TO THEIR NAME NEEDS TO HAVE THEIR ADDRESS CHANGED BEFORE BEING ALLOWED TO VOTE AT THEIR NEW POLLING PLACE. THESE VOTERS HAVE HAD MAILINGS SENT TO THEM AND THEY WERE RETURNED BY THE POST OFFICE DUE TO THEM MOVING OR GIVING US AN INCORRECT ADDRESS.
6. BE SURE TO DISPLAY ALL SIGNS IN YOUR SUPPLY BOX.
7. IF SOMEONE DOES NOT HAVE THEIR VOTER ID CARD WITH THEM, THEY CAN STILL VOTE IF THEY CAN SHOW YOU ANOTHER FORM OF ID THAT CONTAINS THEIR SIGNATURE. SOME EXAMPLES OF ACCEPTABLE IDS ARE: DRIVER'S LICENSE, STATE ISSUED IDS, UNITED STATES GOVERNMENT IDS AND UNIVERSITY IDS.
8. BE SURE TO TAKE DOWN ALL OF THE PRIVACY PANELS AND PLACE THEM ON TOP OF THE OPTICAL SCAN MACHINE.
9. MAKE SURE TO LEAVE YOUR WHITE ELECTION SUPPLY BOX AND SMALL BLUE SUPPLY BAG IN THE WHITE BIN, ALONG WITH THE UNVOTED BALLOTS, WHICH WILL BE IN THE BOTTOM OF THE BALLOT MACHINE. ALSO MAKE SURE TO LEAVE ALL THE SIGNS IN THE WHITE BIN IN THE BOTTOM OF THE MACHINE. BE SURE TO RESEAL THE WHITE BIN.
10. IF A FAMILY MEMBER WANTS A RELATIVE TO BE **REMOVED** FROM OUR VOTER RECORDS. PLEASE HAVE THEM LIST A REASON BY THE REGISTRANTS NAME, SUCH AS MOVED TO...(WHAT CITY AND STATE), DECEASED, ETC. AND HAVE THEM **SIGN THEIR NAME** BY IT AND **HOW THEY ARE RELATED** TO THE PERSON TO BE REMOVED. ONLY A FAMILY MEMBER CAN REQUEST A REMOVAL FROM OUR RECORDS.
11. ALL **NAME CHANGES** NEED TO BE DONE IN OUR OFFICE. YOU CAN ALLOW THE PERSON TO VOTE ONE TIME UNDER THEIR OLD NAME. AFTER THE ELECTION, THEY WILL NEED TO COME TO OUR OFFICE AND FILL OUT THE PROPER PAPERWORK AND SIGN A NEW VOTER REGISTRATION CARD.
12. MAKE SURE YOU WRITE YOUR WARD AND PRECINCT ON THE TOP OF YOUR PAYROLL SHEET.
13. IF YOU HAVE ANY VOTERS THAT SPOIL THEIR BALLOT MAKE SURE TO WRITE SPOILED ACROSS THE FRONT OF THE BALLOT. YOU WILL NEED TO PUT THE SPOILED BALLOT IN THE ENVELOPE THAT IS PROVIDED IN THE SUPPLY BOX. **THE ENVELOPE NEEDS TO BE RETURNED WITH THE BALLOTS WHEN BROUGHT BACK TO THE COURTHOUSE.**
14. THE TWO SUPERVISORS SHOULD BRING THE BALLOTS BACK TO THE COURTHOUSE ANNEX. IF FOR SOME REASON, ONE OF THE SUPERVISORS CAN'T BRING THE BALLOTS BACK, THEN THE JUDGE FROM THEIR PARTY MUST ACCOMPANY THE OTHER SUPERVISOR. THERE MUST BE ONE DEMOCRAT AND ONE REPUBLICAN.
15. IF YOU ARE HAVING TROUBLE BALANCING YOUR BALLOTS, PLEASE BRING THE BALLOTS UP TO OUR OFFICE AND WE WILL HELP YOU TO BALANCE THEM.



**ROBIN CARNAHAN**  
SECRETARY OF STATE  
STATE OF MISSOURI

JAMES C. KIRKPATRICK  
STATE INFORMATION CENTER  
(573) 751-4936

ELECTIONS DIVISION  
(573) 751-2301

November 6, 2006

Judge Joseph A. Goeke, III, Director  
Judy Taylor, Director  
St. Louis County Board of Elections  
12 Sunnen Dr., Suite 126  
Maplewood, MO 63143

Dear Judge and Judy,

On November 4, 2006, the Secretary of State's office received an e-mail regarding the voting equipment used by St. Louis County for in-person absentee voting. Our office received a subsequent e-mail from the voter detailing her voting experience with the machines.

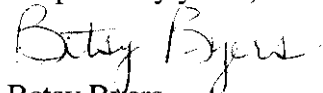
The e-mails specifically provide that an undervote for one of the amendments registered as a "yes" vote. The e-mail from the voter stated:


I have lost my voice. The message is simple. I voted absentee at St. L. County Bd. Of Election Commissioners early afternoon of October 23. I think Joy Guze mistakenly believes that there was a paper verification; not so. I reviewed my ballot with electronic recall and discovered a check-marked "yes" on a proposition where I had placed no mark, not wishing to vote on that issue. I tried several times to correct this, but each time it came back with the false "yes." I then asked for a clerk's help and - - I hope - - got rid of the error. Judith S. Stix, 11-5-06 phone 314-863-4870.

Please provide a written report to our office as to how this matter was resolved.

Our office is also referring this issue to the United States Attorney's office with a copy to the Missouri Attorney General's office and the St. Louis County Prosecuting Attorney's office.

Respectfully yours,

  
Betsy Byers  
Co-Director of Elections

  
R. Kay Dinolfo  
Co-Director of Elections

cc: Judith Stix  
Steve Garrett



ROBIN CARNAHAN

SECRETARY OF STATE  
STATE OF MISSOURI

JAMES C. KIRKPATRICK  
STATE INFORMATION CENTER  
(573) 751-4936

ELECTIONS DIVISION  
(573) 751-2301

November 6, 2006

Judge Joseph A. Goeke, III, Director  
Judy Taylor, Director  
St. Louis County Board of Elections  
12 Sunnen Dr., Suite 126  
Maplewood, MO 63143

Dear Judge and Judy,

On November 6, 2006, the Secretary of State's office received a report regarding the voting equipment used by St. Louis County for in-person absentee voting. The report specifically provided that a voter, Marilyn Teitelbaum, had voted in-person absentee and when she pressed the screen for Claire McCaskill it registered a vote for Jim Talent.

Our office contacted Ms. Teitelbaum. She reported that on November 2, 2006, she voted in-person absentee on an odd rather than even-numbered machine in St. Louis County. When she pressed the name for Claire McCaskill and Russ Carnahan, respectively, the machine instead registered a vote for the republican candidate in both races. Ms. Teitelbaum brought this to the attention of the election workers and supervisors who experienced the same issue when they pressed the names for Ms. McCaskill and Mr. Carnahan. She and the election workers also tested this for a Libertarian candidate and it registered a vote for the Democratic candidate in that race. This did not happen when Ms. Teitelbaum and the election workers attempted these votes on the even-numbered machine. The explanation provided to Ms. Teitelbaum at the time was that it was dependent on the height of election worker calibrating the machine and the design of the ballot (names close together).

Our office informed the voter that we would refer this information to your office for proper resolution. Please provide a written report to our office as to how this matter was resolved.

Our office is also referring this issue to the United States Attorney's office with a copy to the Missouri Attorney General's office and the St. Louis County Prosecuting Attorney's office.

Respectfully yours,

Handwritten signature of Betsy Byers in cursive script.

Betsy Byers  
Co-Director of Elections

Handwritten signature of Kay Dinolfo in cursive script.

Kay Dinolfo  
Co-Director of Elections



JAMES C. KIRKPATRICK  
STATE INFORMATION CENTER  
(573) 751-4936

ROBIN CARNAHAN  
SECRETARY OF STATE  
STATE OF MISSOURI

ELECTIONS DIVISION  
(573) 751-2301

November 6, 2006

Sharon Turner Buie, Director  
Kansas City Board of Elections  
1828 Walnut St., Suite 300  
Kansas City, MO 64108

Dear Sharon,

Thank you for discussing with our office last week the letter your office received from, and the subsequent meeting that your office had with, representatives of Kansas City ACORN regarding voter registration mail-in applicants submitted to your office by ACORN. Based on our discussion, your office is processing these voter registration cards as required by applicable state and federal law. See Section 115.155, RSMo and the National Voter Registration Act, 42 U.S.C. §1973gg-6(a)1 and 6(a)2.

We appreciate your prompt attention to and resolution of this issue.

Respectfully yours,

A handwritten signature in cursive script that reads "Betsy Byers".

Betsy Byers  
Co-Director of Elections

A handwritten signature in cursive script that reads "R. Kay Dinolfo".

R. Kay Dinolfo  
Co-Director of Elections

cc: Ray James



**ROBIN CARNAHAN**  
SECRETARY OF STATE  
STATE OF MISSOURI

JAMES C. KIRKPATRICK  
STATE INFORMATION CENTER  
(573) 751-4936

ELECTIONS DIVISION  
(573) 751-2301

November 6, 2006

Rich Chrismer  
St. Charles County Election Authority  
Administration Bldg.  
201 N. Second St., Rm. 541  
St. Charles, MO 63301

Dear Rich,

Thank you for discussing with our office the issue regarding challengers and watchers for the upcoming election. Set forth below are the statutes that apply to challengers and watchers we discussed in case you should have any future questions.

Section 115.105 governs challengers. This section specifically provides:

1. The chair of the county committee of each political party named on the ballot shall have the right to designate a challenger for each polling place, who may be present during the hours of voting, and a challenger for each location at which absentee ballots are counted, who may be present while the ballots are being prepared for counting and counted. No later than four business days before the election, the chair of each county committee of each political party named on the ballot shall provide signed official designation forms with the names of the designated challengers and substitutes to the local election authority for confirmation of eligibility to serve as a challenger. The local election authority, after verifying the eligibility of each designated and substitute challenger, shall sign off on the official designation forms, unless the challenger is found not to have the qualifications established by subsection 5 of this section. If the election authority determines that a challenger does not meet the qualifications of subsection 5 of this section, the designating party chair may designate a replacement challenger and provide the local election authority with the name of the replacement challenger before 5:00 p.m. of the Monday preceding the election. The designating chair may substitute challengers at his or her discretion during such hours.
2. Challenges may only be made when the challenger believes the election laws of this state have been or will be violated, and each challenger shall report any such belief to the election judges, or to the election authority if not satisfied with the decision of the election judges.
3. Prior to the close of the polls, challengers may list and give out the names of those who have voted. The listing and giving out of names of those who have voted by a challenger shall not be considered giving information tending to show the state of the count.

4. In a presidential primary election, challengers may collect information about the party ballot selected by the voter and may disclose party affiliation information after the polls close.

5. All persons selected as challengers shall have the same qualifications required by section 115.085 for election judges, except that such challenger shall be a registered voter in the jurisdiction of the election authority for which the challenger is designated as a challenger.

6. Any challenge by a challenger to a voter's identification for validity shall be made only to the election judges or other election authority. If the poll challenger is not satisfied with the decision of the election judges, then he or she may report his or her belief that the election laws of this state have been or will be violated to the election authority as allowed under section 115.105.

This section provides that if your office received names of the designated challengers and substitutes no later than four business days before the election, then eligible challengers must be allowed at each polling place and each location at which absentee ballots are prepared and counted.

Section 115.107 governs watchers. This section specifically provides:

1. At every election, the chairman of the county committee of each political party named on the ballot shall have the right to designate a watcher for each place votes are counted.

2. Watchers are to observe the counting of the votes and present any complaint of irregularity or law violation to the election judges, or to the election authority if not satisfied with the decision of the election judges. No watcher may be substituted for another on election day.

3. No watcher shall report to anyone the name of any person who has or has not voted.

4. All persons selected as watchers shall have the same qualifications required by section 115.085 for election judges, except that such watcher shall be a registered voter in the jurisdiction of the election authority for which the watcher is designated as a watcher.

The four day limitation is not applicable to watchers. Therefore, the chairman of the county committee of each political party named on the ballot has the right to designate a watcher for each place votes are counted to observe the counting of the votes and present any complaint of irregularity or violation of the law to the election judges or to your office. If you have any questions, please do not hesitate to contact our office.

Respectfully yours,



Betsy Byers  
Co-Director of Elections



R. Kay Dinolfo  
Co-Director of Elections





**ROBIN CARNAHAN**  
SECRETARY OF STATE  
STATE OF MISSOURI

STATE CAPITOL  
ROOM 208  
(573) 751-2379

JAMES C. KIRKPATRICK  
STATE INFORMATION CENTER  
(573) 751-4936

November 6, 2006

The Honorable Jennifer Joyce  
Circuit Attorney – City of St. Louis  
1114 Market Street, Room 401  
St. Louis, MO 63101

VIA Facsimile  
314-622-3369

Dear Ms. Joyce:

As you know, in recent months there has been much discussion about the type of identification required to vote in Missouri's November general election. On October 16, 2006, the Missouri Supreme Court struck down the photo ID requirement passed by the legislature. In addition to the well-publicized nature of that decision, the Secretary of State's office has taken a number of additional steps to ensure that local election authorities, poll workers and voters understand the identification requirements for voting in November. We have sent repeated correspondence, flyers and posters for polling places and training materials to election authorities throughout the state. We also launched a statewide voter education effort to clarify any confusion among the voting public about the law.

My recent voting experience suggests that there may be a knowing refusal to follow the law regarding the type of identification acceptable to vote.

On Friday, November 3, 2006, I went to the City of St. Louis Election Board office to vote absentee. Upon presenting my voter identification card to the person behind the counter, I was asked for a photo ID. When I asked why she was asking for a photo ID when it is not required by law, she replied that she knew it wasn't the law, but that "they told us to ask for a photo ID anyway."

After pointing out a poster on the wall that clearly stated that a voter identification card was sufficient to vote and asking to speak to a supervisor, the poll worker consulted with a supervisor and told me my voter card was sufficient and that I did not need to present a photo ID.

I spoke with St. Louis City Director of Elections Scott Leiendecker immediately following this experience and directly expressed my concerns. He assured me that voters would not be asked for a photo ID to vote on Election Day.

Ms. Jennifer Joyce  
November 6, 2006  
Page 2

Having also been asked to present a photo ID at my polling place in the August primary (again when it was not legally required), I am increasingly concerned that Missouri law regarding voting identification requirements is being systematically ignored. If I, as Missouri's Chief Elections Official, have been asked inappropriately to present a photo ID in multiple elections, it is safe to assume that others with less knowledge of the law are being asked the same question. While I was not denied the right to vote, I am very concerned that other legitimate voters with less knowledge of election law have been, or will be, prevented from voting because of these improper requests.

Elections cannot be fair if eligible voters are not able to vote and have that vote count. I am concerned that artificial additional requirements and failure to comply with state law will impede Missourians' constitutional rights and may warrant further investigation by your office.

Very truly yours,



Robin Carnahan  
Secretary of State

cc: St. Louis City Board of Elections  
Jeremiah W. "Jay" Nixon, Missouri Attorney General  
Francis G. Slay, Mayor, City of St. Louis



CIRCUIT ATTORNEY  
CITY OF ST. LOUIS

JENNIFER M. JOYCE

CIRCUIT ATTORNEY'S OFFICE  
1114 Market Street, Room 401  
St. Louis, Missouri 63101  
(314) 622-4941  
FAX: (314) 622-4949  
[www.circuitattorney.org](http://www.circuitattorney.org)

November 15, 2006

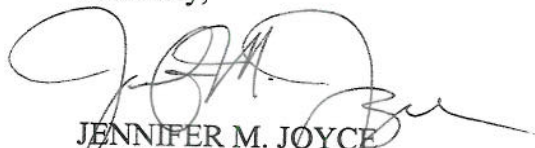
The Honorable Robin Carnahan  
Secretary of State – State of Missouri  
PO Box 1767  
Jefferson City, MO 65102



Dear Ms. Carnahan:

Thank you for alerting us to the problems you encountered when you voted by absentee ballot with the City of St. Louis Election Board. In response to your letter, the Circuit Attorney's Office has investigated the matter by speaking with Matthew Potter, the Assistant Democratic Director of the St. Louis Election Board and the person responsible for the operations on election day. Mr. Potter stated that the Board has not received any other complaints stemming from election judges requiring the production of photographic identification at the polls. In addition, several people noted the prominent placement of signs indicating that photographic identification was not necessary to vote in the election. As a result, it appears that your unfortunate incident was an isolated incident. Should we receive additional information about other violations, we will continue the investigation. Thank you again for informing us about your experience; should you have additional information about criminal violations arising from the election we certainly will investigate.

Sincerely,

  
JENNIFER M. JOYCE  
Circuit Attorney



**Ronald C. Mosbaugh**

Jasper County Clerk



Jasper County Courthouse  
302 S. Main • Room 102  
Carthage, Missouri 64836  
417-358-0416  
Fax: 417-358-0415

December 14, 2006

Betsy Byers & Kay Dinolfo  
Co-Director of Elections  
Jefferson City, MO

Dear Betsy and Kay:

Received your letter last week in reference to the November election problems. I don't mind telling you, it was the longest day of my life! I still relive this problem daily! For the past nine years of county government I felt like I did a good job. I really hate going out of office with this on my resume.

Will try to answers your questions as best that we can.

1. *What formula was used to determine the number of optical scan ballots to be printed and distributed for use in polling places on Election Day?*

We compare past election voter turn-out, depending on the type of election. On most every election since I've been in office, consistently the polling places return more un-voted ballots than voted ballots! We average from 8 % to 17% voter turn-out in Jasper County. In the November Election, I projected from 30 to 40 % turn-out. Needless to say, I screwed up royally. We had more people voting in this election than in the last Presidential Election!

By the way, when we ordered the ballots to be printed, we didn't know if the Stem Cell or the Tobacco Tax issue would be on the ballot.

2. *How many optical scan ballots were printed and distributed for use in polling places on Election Day?*

We printed a total of 37,185 ballots for the November Election.

- We had 17 different ballot styles.
- The ballots that were not sent to the polling places were used for absentee ballots and the rest were used for back up.

3. *Please identify the polling places that ran out of ballots and how many times each polling place ran out of ballots.*

Carl Junction 3/ Carl Junction 4  
Carthage 5-1/ Carthage 5-2  
East Jackson  
Joplin 4

Carthage 4-1 / Carthage 4-2  
Centennial/ Gem  
Joplin 2/ Joplin 3  
Joplin 8

RECEIVED

2006 DEC 18 PM 2:42

*Ronald C. Mosbaugh*

Joplin 10/ Joplin 11  
North Madison

Joplin 12/ Joplin 14  
Oronogo 2

I have no idea on how many times the polling places ran out of ballots, we had several people delivering them.

4. *How many ballots did your office photocopy for each affected polling place?*

We have no idea, when we pick-up copied ballots from the courthouse to deliver to the polling places, we just pulled off a stack to leave at the polling place, we didn't count them. When we delivered the ballots, we tried to deliver several polling places, not just one. Something else to keep in mind, we had 17 different ballot styles, so this was another problem.

5. *You previously reported 1,855 ballots were hand counted. Please verify that these were the photocopied ballots used by voters to cast their votes.*

To the best of my knowledge, they were the photocopied ballots used by our voters.

6. *As you reported, "smudging" or markings, as described above, appeared on photocopied ballots. Please provide the race and name of the candidate where these markings occurred.*

- The smudge appeared on "R-1 Carl Junction school District Proposition K.I.D.S. "It was asking the voters to approve or disapprove the school board to borrow money for the Junior High School.

- (1). The only ballot we could find had a yellow marker over three or four sentences. The ballot was still easily read and did not interfere with the yes or no vote.
- (2). Another ballot that we ran out of, we couldn't find an un-voted ballot. We photo copied a used ballot, then we whited out the marks on the ballot. However, we missed one of the marks on the back side of that ballot. When the polling place received them, they noticed the problem and called the courthouse. We instructed the election judges to tell all the voters to circle all their choices instead of completing the arrow.

In counting those ballots at the courthouse, the voters did as they were instructed. There were 100 of these ballots.



1. *Please describe in detail any instructions given to voters on how these particular ballots should be marked by voters.*

This question was answered in number 5.

2. *Please describe in detail any instructions given to election judges in counting these ballots.*

The Election Judges gave us the count on the ballots that went through the Insight, the DRE count and the un-voted ballots. The photo copied ballots were counted by some of the polling places. The rest of the photo copied ballots were counted by our verification teams at the courthouse. All photo copied ballots were initialed by both judges at the polling place. I would have preferred that all the photo copied ballots were counted before the election judges left the polling place, but that didn't happen.

The verification team also counted well over 6000 write-in ballots for the Presiding Commissioner race.

We had ten teams working from 7: p.m. until 6:30 a.m. the next morning. Our staff worked well over 26 straight hours to certify the election. Needless to say, we were all very stressed out!

Jasper County in the future will be forced to order far more ballots than needed, even though thousands will be thrown away. We definitely don't want this situation to happen again.

Election night, some of the ballots that we ran out of at a particular polling place, were turned-in as un-voted ballots from other polling places.

I've enjoyed working with the Secretary Of State office through the years, you have always been very supportive of the County Clerks.

Sincerely Yours,

Ronald C. Mosbaugh  
Jasper County Clerk